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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,995	03/22/2004	Walter Szrek	SZRK 3552 (28030-5)	1212
76656	7590	02/09/2009	EXAMINER	
Patent Docket Department			IWARERE, OLUSEYE	
Armstrong Teasdale LLP				
One Metropolitan Square			ART UNIT	PAPER NUMBER
Suite 2600				3687
St. Louis, MO 63102-2740				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/805,995	SZREK ET AL.	
	Examiner	Art Unit	
	OLUSEYE IWARERE	3687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 05 August 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-23 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 22 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

1. This communication is in response to the correspondence sent on April 16, 2008.

The Amendments to claims 1, 17 and 18 and additional claim 23 has been entered.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/05/2008 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1 – 18 and 20 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (6,267,670) in view of (Loto Quebec).

As per claim 1, Walker discloses a method of selling a non-instant lottery ticket to a player at a point of sale terminal for participation in a game event offered by a game provider, comprising the steps of:

receiving, from a player, data identified by machine-readable means printed on a ticket for participation in a game event, (fig. 13 discusses receiving ticket identifier);

activating, after receiving the data identified by the machine-readable means, the ticket to participate in the game event (col. 9, lines 17 – 20; once the real-time communication link is established, the POS controller 20 in step S8 transmits the number of "quick-pick" lottery tickets requested to the lottery data processing system 60.) (col. 9, lines 27 – 28; a new record (e.g. R1 in FIG. 5) is created in the local lottery ticket database)

permitting the ticket to participate in a game event (col. 9, lines 28 – 34; the POS controller 20 then transmits the lottery ticket information (i.e. the lottery numbers and the encrypted authentication code) to the POS terminal 30 that initiated the lottery transaction request in step S12); and

printing a receipt with indicia thereon after activating the ticket (col. 8, lines 48 – 50; the POS terminal prints a single receipt containing the lottery ticket information and any other merchandise sales information);

the indicia including proof of payment and activation of the ticket (abstract; generates a single sales receipt containing all pertinent lottery ticket and merchandise transaction information); and

receiving payment from the player (col. 8, lines 47 – 49; the customer pays for the lottery tickets and any other purchases made at this time in step S5);

However, Walker fails to explicitly disclose said ticket having the machine-readable means printed thereon by an apparatus not connected to the point of sale terminal and prior to said receiving and responsive to the player selecting one or more bet combinations, said machine-readable means corresponding to the bet combinations selected by the player and the ticket having no play value until said activating the ticket;

Loto Quebec teaches a “Replay option” wherein said ticket having the machine-readable means printed thereon by an apparatus not connected to the point of sale terminal and prior to said receiving and responsive to the player selecting one or more bet combinations, said machine-readable means corresponding to the bet combinations selected by the player and the ticket having no play value until said activating the ticket.

This "Replay Option" of Loto Quebec meets the limitations of the claims as follows. The initial ticket is printed with machine-readable means thereon, by an

apparatus not connected to the point of sale terminal. It is initially played and then inactive after the play period expires. Therefore at this point, the ticket has no play value. With the Replay Option, the ticket can be activated by a different point of sale terminal, which is an apparatus not connected to the original point of sale terminal and is responsive to the player selecting one or more bet combinations.

From this teaching of Loto Quebec, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Walker to include the Replay option of Loto Quebec, which said ticket having the machine-readable means printed thereon by an apparatus not connected to the point of sale terminal and prior to said receiving and responsive to the player selecting one or more bet combinations, said machine-readable means corresponding to the bet combinations selected by the player and the ticket having no play value until said activating the ticket, in order to keep the participant from making a completely new transaction every time they want to play the game.

As per claim 2, Walker discloses, wherein the machine-readable means is a bar code (col. 6, lines 11 – 14; any one of a variety of input devices would be suitable for this purpose, including, for example, depression-actuated buttons, keys, membranes, a mouse, touch screens, bar code scanners, and the like).

As per claim 3, Walker discloses, wherein the machine-readable means identifies a specific lottery product (col. 2, lines 54 – 56; the serial number functions as a

simple method of fraud prevention, because it uniquely identifies each lottery ticket sold).

As per claim 4, Walker discloses, wherein the machine-readable means or a part of the machine-readable means identifies a specific game provider identifier (col. 8, lines 38 – 41; the customer may also be prompted for additional lottery ticket information, such as the type of lottery game to be played and the particular lottery numbers selected by the customer).

As per claim 5, Walker discloses, wherein the machine-readable means includes a ticket security authentication code (abstract; an encrypted authentication code also printed on the sales receipt allows the lottery player to verify all lottery ticket transaction information, as needed).

As per claim 6, Walker discloses, wherein the ticket is printed by a device selected from the group consisting of a commercial printer (col. 6, lines 33 – 37; the POS terminal 30 further includes a printer 39 for recording the transaction performed by the POS terminal 30. The printer 39 may interface directly with the CPU 31, as shown in FIG. 3.), a self-service terminal, a lottery kiosk and a standard lottery terminal (abstract; performing integrated lottery ticket and merchandise transactions using a point-of-sale terminal).

As per claim 7, Walker discloses, the claimed invention except for wherein the machine-readable means includes multiple barcodes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include multiple barcodes, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Benis Co.*, 193 USPQ 8.

As per claim 8, Walker discloses, wherein the indicia on the receipt includes activation price (col. 5, lines 54 – 55; a sale amount field F4, which is construed as the activation price).

As per claim 9, Walker discloses, wherein the indicia on the receipt includes an activation transaction identifier (abstract; an encrypted authentication code also printed on the sales receipt allows the lottery player to verify all lottery ticket transaction information, as needed).

As per claim 10, Walker discloses, wherein the indicia on the receipt includes a security authentication code (col. 1, lines 54 – 56; the serial number functions as a simple method of fraud prevention, because it uniquely identifies each lottery ticket sold).

As per claim 11, Walker further discloses, generating the security authentication code using an algorithm (col. 10, lines 30 – 32; the use of cryptographic processors and encryption algorithms are well known to those skilled in the art of cryptography) and secret data. (col. 10, lines 41 – 45; the player inputs to the IVRU via the telephone keypad the encrypted authentication code printed on the sales receipt, and this code is decrypted by the lottery data processing system and used to verify the lottery ticket)

As per claim 12, Walker discloses, wherein the algorithm is a standard encryption algorithm (col. 10, lines 29 – 34; the use of cryptographic processors and encryption algorithms are well known to those skilled in the art of cryptography, which are construed as including a standard encryption algorithm).

As per claim 13, Walker discloses, wherein the step of generating the security authentication code uses information available only to a game provider (col. 10, lines 5 – 9; the lottery data processing system 60 also generates an authentication code based on the variables of the particular lottery transaction in step S17. This authentication code is a numeric string including all the data of one record in the lottery ticket database 68a, which is construed as available only to a game provider).

As per claim 14, Walker discloses, wherein the step of generating the security authentication code uses information derived only from the information available on the receipt (col. 3, lines 42 – 45; the player inputs to the IVRU via the telephone keypad the

encrypted authentication code printed on the sales receipt, and this code is decrypted by the lottery data processing system and used to verify the lottery ticket).

As per claim 15, Walker discloses, wherein the step of generating the security authentication code uses information derived only from a store back office system (col. 7, lines 21 – 25; the cryptographic processor 67 is used to encrypt an authentication code generated by the CPU 61, described in greater detail below. This encrypted authentication code is passed to the CPU 61 which associates it with a particular lottery transaction, which is construed as a store back office system).

As per claim 16, Walker discloses, wherein the step of generating the security authentication code uses information derived partially from the game provider and partially from the indicia on the receipt (col. 10, lines 12 – 17; in this example, 23456 represents the POS controller ID number; 011597 represents the date; 004 represents the number of tickets purchased; 3343 represents the sales receipt number; 004 represents the sales amount; and 011020112131 represents the lottery ticket numbers).

As per claim 17, Walker discloses, further comprising the step of: sending detailed instant ticket information to the game provider for registration of sale from a cash register (col. 5, lines 5 – 8; many retail stores have computerized cash registers which are coupled to an in-store transaction processor to receive and transmit merchandise price and other merchandise information).

As per claim 18, Walker discloses further comprising the step of: assigning a unique ticket identifier for a non-instant game in a way that part of the identifier algorithmically corresponds to a combination bet (col. 10, lines 18 – 20; when requested by the CPU 61, the random number generator 66 generates the random "quick-pick" numbers used for "quick-pick" lottery ticket transactions).

As per claim 20, wherein the ticket represents a bearer's bond only after said activating ([0053] and [0054] discuss the ticket being presented to the customer and is then made valid).

As per claim 21, Walker discloses the claimed invention but fails to explicitly disclose wherein the player selects the bet combinations at a printer location and receives the ticket from the printer location with the machine-readable means printed thereon, and wherein said activation comprises activating, at a point-of-sale terminal, the data identified by the machine-readable means.

Loto Quebec teaches a "Replay Option", wherein the player selects the bet combinations at a printer location and receives the ticket from the printer location with the machine-readable means printed thereon, and wherein said activation comprises activating, at a point-of-sale terminal, the data identified by the machine-readable means.

This "Replay Option" of Loto Quebec meets the limitations of the claims as follows. The player selects the bet combinations for the initial ticket at the terminal, where the ticket is printed with machine readable means printed thereon. After the play period expires, the participant can go to a separate point of sale terminal and activate the ticket identified by the machine readable means for replay.

From this teaching of Loto Quebec, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method of Walker to include the player selecting the bet combinations at a printer location and receiving the ticket from the printer location and activating at a point of sale terminal, in order to allow the user to avoid making a completely new transaction to participate.

As per claim 22, Walker discloses wherein the ticket received data corresponds to the bet combinations on the ticket ([0036] discusses data received from the bar code in alphanumeric characters).

As per claim 23, Walker discloses the claimed invention but fails to explicitly disclose wherein the indicia printed on the receipt includes a ticket price.

The Examiner takes Official Notice that it is old and well known in the art of transactions to print the price for an item on a receipt. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify

the combination of Walker and Loto Quebec to include printing the ticket price on the receipt in order to give an accurate record of the transaction.

6. **Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (6,267,670) and Loto Quebec in view of Tami et al. (2004/0,049,427).**

As per claim 19, the combination of Walker and Loto Quebec discloses the claimed invention, but fails to explicitly disclose, verifying a player's age prior to activating the ticket to participate in a game event.

Tami et al. (2004/0,049,427) teaches a point of sale system and method for retail stores with the feature of, verifying a player's age prior to activating the ticket to participate in a game event ([0296]; Age Validation. This function is typically used for the sale of controlled substances such as alcohol, cigarettes, etc. The PLU record has a field to indicate that this item must prompt the cashier to verify the age of the customer before purchasing the item).

From this teaching of Tami, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Walker and Loto Quebec to include the age validation of Tami, in order to comply with legal standards.

Response to Arguments

7. Applicant's arguments with respect to claims 1 – 23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Keohane (US 6364206 B1), which discloses Lotter ticket sales in Fueling forecourt, and Irwin (US 20070010311 A1), which discloses Preprinted lottery tickets using a player activated electronic validation machine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUSEYE IWARERE whose telephone number is (571)270-5112. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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/Matthew S Gart/
Supervisory Patent Examiner, Art
Unit 3687

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